**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.871 OF 2004**

Prakash Prabhakar Karekar ...Appellant

Vs.

Ishwar Mallappa Sankpal & Ors. ...Respondents

Mr.S.M.Kamble for the Appellant
Mr.Tejpal Ingale for the Respondent No.1.

**CORAM: A.S.OKA, J.**
**DATED: MAY 4,2006.**

**P.C.:**

1. Admit. The Advocate for the Respondent No.1 waives service. The Respondent No.2 is duly served with the notice.

2. The Appellant is the Opponent No.1 in a Claim Petition under section 166 of the Motor Vehicles Act, 1988. The Respondent No.1 is the original claimant. The Advocates appearing for the Appellant and the Respondent No.1 state that the parties have arrived at an amicable settlement and the Respondent No.1 has agreed to accept a sum of Rs.95,000/- as compensation in full and final settlement of his claim against the Appellant and the Respondent No.2. The Appellant has deposited a sum of Rs.10,000/- in this Court. It is stated that the Appellant has deposited certain amount in the trial court and some amount has been directly paid to the Respondent No.1. The said fact is accepted by the Advocate

for the Respondent No.1.

3. In view of the settlement between the parties, the Appeal is disposed of by passing the following order :

i) Impugned Judgment and Award is modified. It is declared that the Respondent No.1 is entitled to a lumpsum of compensation of Rs.95,000/- from the Appellant and the Respondent No.2.

ii) A sum of Rs.10,000/- deposited by the Appellant in this Court be transferred to the concerned Tribunal.

iii) The Appellant will deposit the balance amount payable out of the agreed amount of Rs.95,000/- with the Tribunal within a period of four weeks from today.

iv) The Tribunal will permit the Respondent No.1 to withdraw the amounts deposited by the Appellant.

v) There will be no order as to costs.

**Judge.**